

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

PAUL D. QUICK, SR.,)	
)	
Petitioner)	
)	
vs.)	No. CIV-06-1250-C
)	
JUSTIN JONES, Director,)	
)	
Respondent)	

ORDER OF TRANSFER

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Gary M. Purcell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Purcell entered a Report and Recommendation on November 14, 2006, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

Petitioner's objection to the Report and Recommendation of the Magistrate Judge is simply that he did not participate in filing any previous writ of habeas corpus and that his current petition has merit and should be granted. The Court has examined the documents in the earlier habeas filing, Case No. CIV-97-1568-A, and finds Petitioner's claims to be completely unsupported by the record. Even so, permission to file a second or successive petition must be obtained from the Tenth Circuit, regardless of the reason asserted. The

Court finds no argument of fact or law contained in Petitioner's objection which would permit any result other than that recommended by Judge Purcell.

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted in its entirety, and this action is transferred to the Tenth Circuit Court of Appeals consistent with 28 U.S.C. §§ 2244(b)(3)(A) and 1631.

IT IS SO ORDERED this 5th day of December, 2006.



ROBIN J. CAUTHRON
United States District Judge